IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

WEDNESDAY, THE 23RD MAY 2007 / 2ND JYAISHTA 1929

Con.Case(C).No. 634 of 2007(S)

AGAINST THE JUDGEMENT IN WPC.3967/2007 Dated 28/02/2007

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PETITIONERS/PETITIONERS IN WPC 3967/07

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1. C.M.NAZER,
   S/O.MUHAMMED, RESIDING AT CHOTTIYALI HOUSE,
   MATTAKKAD, H.M.T. COLONY P.O., KALAMASSERRY.

2. P.A.SHAMEER,
   S/O.ABDUL RAHIMAN, RESIDING AT
   PUSHPAMANGALAM HOUSE, MATTAKKAD, H.M.T. COLONY P.O
   KALAMASSERRY.

3. P.A.ALI,
   S/O.AHAMMED, RESIDING AT
   PUSHPAMANGALAM HOUSE, MATTAKKAD, H.M.T. COLONY PO,
   KALAMASSERRY.

4. N.M.MOIDU,
   S/O.MUHAMMED, RESIDING AT NJAKKADA HOUSE,
   MATTAKKAD, H.M.T. COLONY P.O.,
   KALAMASSERY.

5. V.S.KUNHU MUHAMMED, S/O.SAIDU,
   RESIDING AT VELUTHEDATH HOUSE,
   MATTAKKAD, H.M.T. COLONY P.O.,
   KALAMASSERRY.

BY ADV. SRI.MANSOOR.B.H.
SRI.P.R.DILIP KUMAR

RESPONDENT:

VINCENT ALEX, AGED 48 YEARS,
(FATHER'S NAME NOT KNOWN TO THE PETITIONERS),
CHAIRMAN, SUB OFFICE,
THE KERALA HEAD LOAD WORKERS' WELFARE BOARD,
V.P.MARAKKAR ROAD, TOLL GATE,
KALAMASSERRY.

BY ADV.R.RENIL ANTO KANDAMKULATHI

THIS CONTEMPT OF COURT CASE (CIVIL) HAVING BEEN FINALLY HEARD ON 23/05/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

THOTTATHIL B. RADHAKRISHNAN, J

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Contempt of Court Case No.634/2007
in W.P.(C).No. 3967 of 2007 (S)

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Dated this the 23rd day of May, 2007

J U D G M E N T

The petitioners complain that in disobedience of Annexure-I judgment, unregistered workers are being employed for Pool No.11, inspite of the undertaking given to this Court, which has been recorded in the judgment. The respondent appears and also is represented through counsel. He submits that the engagement is confined to registered workers only and no unregistered workers are employed for Pool No.11. This submission is disputed on behalf of the petitioners by stating that this could be resolved with reference to different documents and materials.

2. Having regard to the nature of jurisdiction, this is not a dispute to be resolved under Contempt of Courts Act. I do not find any willful disobedience of the directions of Annexure-I judgment.

3. In the aforesaid circumstances, this contempt of court case is closed without prejudice to the right of the petitioners to move the appropriate and competent statutory authority, the ALO, which is stated to be competent to resolve the dispute regarding the engagements of the workers.

THOTTATHIL B.RADHAKRISHNAN
Judge

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